

BORAH, GOLDSTEIN, ALTSCHULER, NAHINS
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 07-CIV-5830

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ASHLEY GRANATA and AUTUMN DEVA
GINSBURG,

ANSWER

Plaintiffs,

v.

JERRY JACOBS, ALAN ROSEN, 358 BROADWAY,
LLC & 358 BROADWAY REALTY, LLC,

Defendants.
-----X

Defendant 358 BROADWAY REALTY, LLC. hereby appears in this action by its attorneys, BORAH, GOLDSTEIN, ALTSCHULER, NAHINS & GOIDEL, P.C., and as and for its Answer to the Complaint (the "Complaint") of ASHLEY GRANATA and AUTUMN DEVA GINSBERG ("Plaintiffs"), alleges as follows:

1. Deny each and every allegation in numbered in the Complaint as paragraph "1" and refers the Court to the Complaint for the allegations therein.

2. Deny each and every allegation numbered in the Complaint as paragraphs "2", "3", "35" and "44".

3. Denies knowledge or information sufficient to form a belief as to the allegations numbered in the Complaint as paragraphs "4" through and including "9", "12a" through and including "12c", "13", "13a" through and including "13c", "14" through and including "21" and "25".

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4. With respect to the allegations numbered in the Complaint as paragraph "10," denies each and every allegation against 358 BROADWAY REALTY, LLC, except admits ownership of the subject property, and denies knowledge or information sufficient to form a belief as to each and every allegation pertaining to defendants JERRY JACOBS, ALAN ROSEN, 358 BROADWAY, LLC and their counsel and refers the Court to the Complaint for the allegation regarding content of the email.

5. With respect to the allegation numbered in the Complaint as paragraph "11," respectfully refers the Court to the exhibit referenced therein for its full force and effect.

6. With respect to the allegations numbered in the Complaint as paragraphs "12", "22", "23", "24", "26", "27", "29" through and including "34", "37" through and including "39", "41" through and including "43", "45" and "46", denies each and every allegation as to 358 BROADWAY REALTY, LLC and denies knowledge or information sufficient to form a belief as to the allegations in these paragraphs as to JERRY JACOBS, ALAN ROSEN, 358 BROADWAY, LLC.

7. With respect to the allegations numbered in the Complaint as paragraphs "28" and "36", these paragraphs merely incorporate prior paragraphs in the Complaint, and 358 BROADWAY REALTY, LLC repeats and realleges its prior response to these paragraphs.

8. With respect to the allegation numbered in the Complaint as paragraph "40," denies any allegation as to 358 BROADWAY REALTY, LLC and denies information and belief as to any allegation as to the other defendants to the extent anything is alleged in this paragraph.

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AS AND FOR A FIRST AFFIRMATIVE DEFENSE

9. The Complaint fails to state a cause of action upon which relief may be granted as against 358 BROADWAY REALTY, LLC.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

10. There is no written lease for Plaintiffs' occupancy of the subject premises and they are month-to-month tenants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

11. The Fair Housing Act does not obligate a landlord to provide any tenant with a written lease for any particular term.

WHEREFORE, 358 BROADWAY REALTY, LLC respectfully requests that the Complaint as against it be dismissed in its entirety, plus costs, disbursements and such other and further relief as the Court deems just and proper, including interest as required by statute.

Dated: New York, New York
July 12, 2007

BORAH, GOLDSTEIN, ALTSCHULER,
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By: _____/S
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